

Mail Stop Interference  
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Paper 47  
Filed: 17 April 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PAUL GILSON, EAMON BRADY, PADRAIG MAHER,  
DAVID VALE and CHARLES TAYLOR  
Junior Party  
(Application 10/058,828),

v.

THOMAS E. BROOME, JOHN M.K. DANIEL and  
THOMAS R. HEKTNER  
Senior Party  
(Patent 7,094,249).

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Patent Interference No. 105,583 (SCM)  
(Technology Center 3700

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1 Before SALLY GARNER LANE, SALLY C. MEDLEY, and MICHAEL P.  
2 TIERNEY, *Administrative Patent Judges.*  
3  
4 MEDLEY, *Administrative Patent Judge.*

5 Judgment – Request for Adverse – Bd.R. 127(b)  
6 A telephone conference call was held on 17 April 2009 at approximately  
7 10:00 a.m., involving:

- 1        1.    Mr. Callahan, counsel for Gilson,
- 2        2.    Mr. Lawrence, counsel for Broome, and
- 3        3.    Sally Medley, Administrative Patent Judge.

4        The parties have settled the interference. Mr. Lawrence represented that  
5        Broome requests entry of adverse judgment as to both Counts. 37 C.F.R.  
6        §41.127(b). Broome's request is granted.

7        Accordingly, it is

8            ORDERED that judgment is entered against Broome for Counts 1  
9        and 2 (Paper 1 at 4; Paper 40 at 1-2);

10           FURTHER ORDERED that claims 1-11 of Broome's involved  
11        patent are CANCELED, 35 U.S.C. § 135(a);

12           FURTHER ORDERED that the parties shall note the requirements  
13        of 35 U.S.C. § 135(c) and Bd.R. 205; and

14           FURTHER ORDERED that a copy of this judgment be entered in  
15        the administrative records of the involved Broome patent and Gilson application.

1 cc (via e-mail):

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